

KENNER LAW FIRM  
16000 Ventura Blvd.  
Penthouse 1208  
Encino, California 91436

WADE, KELLY & SULLIVAN  
745 W. 4<sup>th</sup> Avenue, Suite 425  
Anchorage, Alaska 99501  
(907) 561-7743  
(907) 562-8977 / Facsimile  
Sullivan@ak.net

Attorneys for Defendant Josef F. Boehm

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

SALLY C. PURSER,	)	
	)	
Plaintiff,	)	Case No. 3:05-cv-00085 JKS
	)	
v.	)	
	)	
JOSEF F. BOEHM, ALLEN K.	)	
BOLLING, LESLIE WILLIAMS,	)	
JR., and BAMBI TYREE	)	
	)	<b><u>AFFIDAVIT OF PAMELA S. SULLIVAN</u></b>
Defendants.	)	
_____	)	

STATE OF ALASKA            )  
                                      )ss:  
THIRD JUDICIAL DISTRICT)

Pamela S. Sullivan, being first duly sworn, states,

1. Mark J. Mills, J.D., M.D., defendant Josef Boehm's expert in this matter was

scheduled to perform an independent psychiatric evaluation of Ms. Purser, the plaintiff in this case on June 25, 2007.

2. This date was chosen for the evaluation as it was a date on which Ms. Purser, Dr. Mills and Dr. Michael Rose, the psychiatric expert for the plaintiff, could all attend.
3. June 25, 2007 was beyond the date that discovery in this case closed.
4. Although Dr. Mills was available to evaluate Ms. Purser prior to the close of discovery date, Dr. Rose was not available prior to the close of discovery and accordingly, counsel for both parties agreed to extend the discovery deadline for the purposes of the psychiatric evaluation only, and the parties agreed to jointly request the Court's approval based on the constraint of the experts' schedules and the need for both doctors to be present during the evaluation in compliance with the Court's order.
5. Kris Queen, counsel's assistant at Wade, Kelly & Sullivan, arranged travel to Alaska and lodging in Alaska for Dr. Mills. Ms. Queen was in contact with Dr. Mills throughout the process, verbally confirmed his reservations with him by telephone and sent him written confirmation of his itinerary by electronic mail.
6. On June 25, 2007, Ms. Purser and Dr. Rose arrived at the law offices of Wade, Kelly & Sullivan at the agreed upon time of 1:00 p.m. At approximately 1:10 p.m., Ms. Queen informed me that Dr. Mills had not yet arrived in the office and

we agreed that she would call his cellular phone to make sure that he was on his way.

7. Ms. Queen reached Dr. Mills who informed her that he was in Washington, D.C., that he had had several business obligations that week and that he believed that he was supposed to be in Alaska for Ms. Purser's evaluation the following Monday, July 2, 2007.
8. Dr. Mills then acknowledged in colloquial speech that he had made a mistake and that it was a mistake that defendant's counsel would consider to be very serious.
9. I then told Ms. Purser and Dr. Mills what had happened. We discussed possibilities for rescheduling quickly and both Ms. Purser and Dr. Rose agreed to return for the evaluation on July 6, 2007 at 10:00 a.m. Dr. Mills confirmed that he was also available on that date.
10. Immediately after this incident, at approximately 1:30 p.m. on June 25, 2007, we wrote a letter which was faxed and mailed to Mr. Jones, informing him of what had happened. I then called Mr. Jones' office and a member of Mr. Jones' office personnel confirmed that the letter had been received.
11. Neither I nor lead counsel, the Kenner Law Firm, have been able to speak to Mr. Jones personally about this or any other subject since approximately June 22, 2007 as he has been out of the state.
12. On June 27, 2007, our office received a letter by facsimile from Mr. Jones' office


refusing to reschedule unless ordered to do so by the Court.

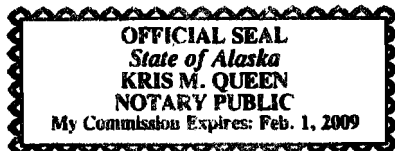
13. Mr. Jones' client, Ms. Purser, and the plaintiff's expert, Dr. Rose, confirmed on June 25, 2007 that the date of July 7, 2007 was agreeable for the evaluation to take place. Mr. Jones was not available on June 25 nor was he available to discuss the situation at any time prior to the letter of June 27, 2007. The letter was signed by David Schlerf in Mr. Jones' office.

14. Local counsel respectfully submits this affidavit in support of the Motion to Extend Discovery Deadline for the Purpose of Expert Evaluation only.

  
Pamela S. Sullivan

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of June, 2007.

  
Notary Public in and for Alaska  
My Commission expires \_\_\_\_\_



**CERTIFICATE OF SERVICE**

I hereby certify that on June 28, 2007, a copy of the foregoing was served electronically on Darryl L. Jones, Esquire

and by regular U. S. Mail on: Allen Bolling

s/ Pamela Sullivan